

SENATE BILL 478

By Green

AN ACT to amend Tennessee Code Annotated, Section 36-3-619 and Section 40-11-150, relative to domestic relations.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 36-3-619(b), is amended by designating the existing language as subdivision (1) and adding the following language as a new subdivision (2):

(A) Any law enforcement officer who has reason to believe that a person determined to be a primary aggressor may have acted as the primary aggressor because the person suffers from dementia or from the effects of medication prescribed for a documented case of dementia may make a recommendation to the community mental health crisis response service that the person be immediately evaluated by a member of the service to determine if the person is subject to admission to a hospital or treatment resource pursuant to § 33-6-403.

(B) If the assessment of the person by the member of the community mental health crisis response service indicates that the person does not meet the standards of § 33-6-403, then the officer who has probable cause to believe that the person committed a crime involving domestic abuse as the primary aggressor shall arrest the person according to this section.

(C) An officer who detains a person for the purpose of a mental health evaluation pursuant to subdivision (b)(2)(A) shall note the time the person was detained. If the person is subsequently arrested pursuant to subdivision (b)(2)(B), the magistrate

may consider the amount of time the person was detained during the mental health evaluation when authorizing the person's release pursuant to § 40-11-150(h).

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.